

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 3/28/2013

Action Requested By:
Engineering

Agenda Item Type
Resolution

Subject Matter:

Modification No. 7 to Agreement with Johnson & Associates Consulting Engineers, L.L.C.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Johnson & Associates Consulting Engineers, L.L.C. for Church Street & Pratt Avenue Widening & Realignment, Project Nos. 65-01-RD05 & STPHV-4500(200), by Modification No. 7

02-462, 05-060, 08-34, 10-269, 10-697, 12-247 & 12-964

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

This modification is for a supplemental agreement between the City of Huntsville and Johnson and Associates to perform additional right-of-way acquisition and related work for a total modification amount of \$114,135.00. Account No. 23-6500-0813-8178.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 3/21/13

revised 3/12/2012

170 Amy
KWD

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **3/28/2013**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Modification No. 7**

Document Name: **J&A-Church St-Project No. STPHV-4500(200) & COH 65-01-RD05**

City Obligation Amount: **\$114,135.00**

Total Project Budget: **\$1,138,415.84**

Uncommitted Account Balance: **0**


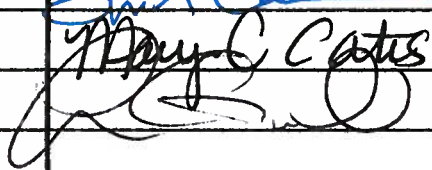
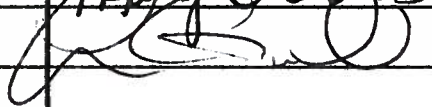
Account Number: **23-6500-0813-8178**

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating		3/21/13
2) Legal		3/21/13
3) Finance		3/21/13
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 13-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to enter into Modification No. 7 to the Agreement with Johnson & Associates Consulting Engineers, L.L.C., adopted and approved on the 13th day of June, 2002, by the City Council of the City of Huntsville, Alabama by Resolution No. 02-462, and amended on the 27th day of January, 2005, by Resolution No. 05-060, and amended on the 10th day of January, 2008, by Resolution No. 08-34, and amended on the 8th day of April, 2010, by Resolution No. 10-269, and amended on the 9th day of September, 2010, by Resolution No. 10-697, and amended on the 22nd day of March, 2012, by Resolution No. 12-247, and amended on the 1st day of November, 2012, by Resolution No. 12-964, as attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be and hereby is modified from ONE MILLION SIXTEEN THOUSAND TWO HUNDRED EIGHTY AND .84/100 DOLLARS (\$1,016,280.84) to ONE MILLION ONE HUNDRED THIRTY THOUSAND FOUR HUNDRED FIFTEEN AND .84/100 DOLLARS (\$1,130,415.84), including this Modification No. 7, an increase of ONE HUNDRED FOURTEEN THOUSAND ONE HUNDRED THIRTY-FIVE AND NO/100 DOLLARS (\$114,135.00). Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 7 to Agreement between City of Huntsville and Johnson & Associates Consulting Engineers, L.L.C. for Church Street & Pratt Avenue Widening & Realignment, Project Nos. 65-01-RD05 & STPHV-4500(200), as adopted by Resolution No. 02-462 of June 13, 2002, and amended by Resolution No. 05-060 of January 27, 2005, and amended by Resolution No. 08-34 of January 10, 2008, and amended by Resolution No. 10-269 of April 8, 2010, and amended by Resolution No. 10-697 of September 9, 2010, and amended by Resolution No. 12-247 of March 22, 2012, and amended by Resolution No. 12-964 of November 1, 2012" consisting of a total of four (4) pages plus three (3) additional pages consisting of Attachment "A", and the date of March 28, 2013, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 28th day of March, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 28th day of March, 2013.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 7 to Agreement between
the City of Huntsville and Johnson &
Associates Consulting Engineers, L.L.C for
Church Street & Pratt Avenue Realignment ,
Project Nos. 65-01-RD05 & STHV-
4500(200), as adopted by Resolution No.
02-462 of June 13, 2002, and amended by
Resolution No. 05-060 of January 27, 2005,
and amended by Resolution No. 08-34 of
January 10, 2008, and amended by
Resolution No. 10-269 of April 8, 2010, and
amended by Resolution No. 10-697 of
September 9, 2010, and amended by
Resolution No. 12-247 of March 22, 2012,
and amended by Resolution No. 12-964 of
November 1, 2012

THIS MODIFICATION TO AN AGREEMENT entered in on the 13th day of June, 2002, in the amount of THREE HUNDRED SIXTY-SEVEN THOUSAND FIVE HUNDRED NINETY-ONE AND .84/100 DOLLARS (\$367,591.84), and amended on the 27th day of January, 2005, in the amount of TWO HUNDRED SIXTY-FOUR THOUSAND SEVEN HUNDRED SEVENTY AND NO/100 DOLLARS (\$264,770.00), for a total revised contract amount of SIX HUNDRED THIRTY-TWO THOUSAND THREE HUNDRED SIXTY-ONE AND .84/100 DOLLARS (\$632,361.84), and amended on the 10th day of January, 2008, in the amount of TWO HUNDRED TWENTY-NINE THOUSAND SIXTY-FIVE AND NO/100 DOLLARS (\$229,065.00), for a total revised contract amount of EIGHT HUNDRED SIXTY-ONE THOUSAND FOUR HUNDRED TWENTY-SIX AND .84/100 DOLLARS (\$861,426.84), and amended on the 8th day of April, 2010, in the amount of FIFTY-SEVEN THOUSAND FOUR HUNDRED SEVENTY-SIX AND NO/100 DOLLARS (\$57,476.00), for a total revised contract amount of NINE HUNDRED EIGHTEEN THOUSAND NINE HUNDRED TWO AND .84/100 DOLLARS (\$918,902.84), and amended on the 9th day of September, 2010, in the amount of FORTY-EIGHT THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$48,200.00), for a total revised contract amount of NINE HUNDRED SIXTY-SEVEN THOUSAND ONE HUNDRED TWO AND .84/100 DOLLARS (\$967,102.84), and amended on the 22nd day of March, 2012, in the amount of TWENTY-EIGHT THOUSAND THREE HUNDRED TWENTY-FIVE AND NO/100 DOLLARS (\$28,325.00), for a total revised contract amount of NINE HUNDRED

President of the City Council of the City of
Huntsville, AL
Date: March 28, 2013

NINETY-FIVE THOUSAND FOUR HUNDRED TWENTY-SEVEN AND .84/100 DOLLARS (\$995,427.84), and amended on the 1st day of November 2012, in the amount of TWENTY THOUSAND EIGHT HUNDRED FIFTY-THREE AND NO/100 DOLLARS (\$20,853.00), for a total revised contract amount of ONE MILLION SIXTEEN THOUSAND TWO HUNDRED EIGHTY AND .84/100 DOLLARS (\$1,016,280.84) is hereby amended by Modification No. 7 dated March 28, 2013, in the amount of ONE HUNDRED FOURTEEN THOUSAND ONE HUNDRED THIRTY-FIVE AND NO/100 DOLLARS (\$114,135.00), for a total revised contract amount of ONE MILLION ONE HUNDRED THIRTY THOUSAND FOUR HUNDRED FIFTEEN AND .84/100 DOLLARS (\$1,130,415.84), by and between the CITY OF HUNTSVILLE, ALABAMA, a municipal corporation in the State of Alabama (Owner) and JOHNSON & ASSOCIATES CONSULTING ENGINEERS, L.L.C., (ENGINEER).

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated June 13, 2002, and amended on January 27, 2005, and amended on January 10, 2008, and amended on April 8, 2010, and amended on September 9, 2010, and amended on March 22, 2012, and amended on November 1, 2012, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change to right-of-way mapping and plans to separate utility easements from roadway right-of-way to obtain right-of-way authorization.

WHEREAS, the Owner desires that the contract drawings be altered to be consistent with Attachment "A" hereto.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Owner and the ENGINEER agree to the following modifications to the agreement:

1. Johnson & Associates Consulting Engineers, L.L.C. will provide Right-of-Way acquisition services at a lump sum total contract amount of ONE HUNDRED FOURTEEN THOUSAND ONE HUNDRED THIRTY-FIVE AND NO/100 DOLLARS (\$114,135.00).
2. Item #1 shall be performed in accordance with the original agreement dated June 13, 2002, and approved by the City Council by Resolution No. 02-462, and as described in the letter from Wade Shadden to Kathy Martin dated March 15, 2013, shown as Attachment "A".
3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract as modified previously.
4. Right-of-way acquisition services to include services listed on proposal letter dated March 15, 2013, shown as Attachment "A". The following deliverables required shall include: appraisals for each right-of-way tract, appraisal review for each right-of-way tract, signed agreement for each tract to be acquired, negotiator's reports, ALDOT forms required to comply with Uniform Relocation Act.

5. All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

Charles E. Hagood
City Clerk-Treasurer

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the _____ day of _____ 2013.

Notary Public
My Commission Expires: _____

ENGINEER: JOHNSON & ASSOCIATES
CONSULTING ENGINEERS, L.L.C.

By: _____

ATTEST:

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Nathan Johnson, as President, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the ____ day of _____ 2013.

Notary Public
My Commission Expires: _____

ATTACHMENT "A"



March 15, 2013

Ms. Kathy Martin, P.E.
City Engineer
City of Huntsville
P. O. Box 308
Huntsville, AL 35801

ATTN: Ms. Kelly Davis

RE: Project No. STPHV-4500(200)
Church Street Improvements Phase 1
City of Huntsville, AL
Madison County
Right-of-Way Acquisition Services

Ms. Davis:

We are pleased to submit a proposal for Right-of-Way Acquisition services on the above referenced project. The following services are required to complete Right of Way acquisition in a timely manner and in accordance with federal and state guidelines. After reviewing the project, the following services will be needed:

- Appraisals of each affected property
- Appraisal Reviews for each affected property
- Negotiations (acquisition of property)
- Relocation (1 Building and 11 signs)
- Assisting the City's attorney appointed to the project
- Coordination with the City and ALDOT

The man-day and fee proposal has been reviewed and approved by ALDOT for a lump sum of \$114,135 to provide the above services. The man-day and fee proposal is based on the ALDOT approved Right-of-Way map Revision #7 dated 9/19/12. A copy of the approval letter from ALDOT is attached for your review. Also attached, you will find a "Breakdown of Services" and corresponding lump sum fee for each required task associated with the acquisition process.

Wisener, LLC plans to enlist the services of Tom Armstrong and Mike Pyron to perform the appraisals for all affected tracts for the project. Both gentlemen are approved by ALDOT. Appraisal reviews will be accomplished by Jerry Cordell. Mr. Cordell is also approved by



ALDOT. Mr. Wisener will manage and coordinate the work executed for appraisals and appraisal reviews. Compensation for these individuals will be the sole responsibility of Wisener, LLC. The approved fees do not include a markup from Wisener, LLC to utilize subconsultants.

We plan to start work immediately following approval of a contract. Appraisals will be performed first and submitted to the reviewer as they are received. The reviewer will go through his review with the appraiser and once completed the appraisal and review will be submitted to the City. Wisener, LLC will prepare the appropriate documents from the City to submit to ALDOT for review and approval. Upon receipt of the approved offers from ALDOT, Wisener, LLC will begin negotiations and relocations.

The fee does not include updating appraisals (for court or for time), second appraisals, or fees for expert testimony. Likewise, attorney fees are not included since the City will be utilizing the City's own attorney to handle all closings and title work. Fees to prepare a Right-of-Way map showing acquired deeds were not approved by ALDOT and are excluded from the proposal. If it is determined that a second appraisal is needed on any tract or updated appraisals due to time decided by the City or ALDOT, we will submit a supplemental proposal for those fees. A supplemental agreement will also be required should any of our staff be needed for court work or appraisals for court. Fees for any appraisal updates cannot be anticipated however fees for expert witnesses will be \$100/hr for appraisers and \$65/hr for all others on Wisener, LLC staff.

Once again, we thank you for considering our services, and we look forward to working with yourself and the City to complete this project in an expeditious manner. Please let me know if you have any questions.

Sincerely,
Johnson & Associates, LLC
Consulting Engineers

Wade Shadden, P.E.
Project Manager



**Breakdown of Services
Project No. STPHV-4500(200)
Church Street Improvements
City of Huntsville, AL
Madison County**

The breakdown below is based on the above referenced project which has 25 Tracts.

- **Appraisals**

25 affected Tracts with Acquired Right-of-Way

Tract 3 =	\$2,500
Tracts 11, 12, 34 & 40 (\$3,000 each) =	\$12,000
Tracts 9, 17, 26, & 27 (\$3,500 each) =	\$14,000
Tracts 13, 14, 31, & 35 (\$2,000 each) =	\$8,000
Tracts 18, 20, 22, & 25 (\$5,000 each) =	\$20,000
Tracts 6, 7, 8, 30, 37, 41 & 43 (\$1,500 each / includes review fee) =	\$10,500
Tract 39 =	\$1,500

Subtotal = \$68,500

- **Appraisal Reviews**

Tracts 9, 17, 26, 27, 34, 39 & 40 (\$500 each) =	\$3,500
Tracts 3, 11, 12, 13, 14, 31 & 35 (\$700 each) =	\$4,900
Tracts 18, 20, 22 & 25 (\$1,200 each) =	\$4,800

Subtotal = \$13,200

- **Negotiations**

\$500 per Tract (25 tracts) = \$12,500

- **Relocation**

1 House =	\$2,500
11 Signs (\$500 each) =	\$5,500

Subtotal = \$8,000

- **Project Management, Meetings, and Coordination**

100 Hours at \$65 per hour = \$6,500

Sub-Consultant Total Services Estimate = \$108,700

Subconsultant Administration = \$5,435

Grand Total Services Estimate = \$114,135



ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard
Montgomery, Alabama 36110

Telephone: 334/242-6311 • Fax No.: 334/262-8041



Robert Bentley
Governor

John R. Cooper
Transportation Director

February 11, 2013

Mr. Johnny L. Harris, P.E. /P.L.S.
First Division Engineer
Alabama Department of Transportation
P.O. Box 550
Guntersville, AL 35976

FEB 2013

RE: Project: STPOA-4500(200)
Widening and Realignment of Church St. (Phase I)
From Monroe to Oakwood and Pratt Realignment
Madison County-City of Huntsville

Dear Mr. Harris:

Reference is made to your letter, dated January 29, 2013, in which you transmitted a man-day and fee proposal from Johnson and Associates, Inc., to perform additional right-of-way acquisition work on the above-referenced project.

The overhead rate and operating margin will be as previously approved by the Bureau of Finance and Audits, External Audit Section.

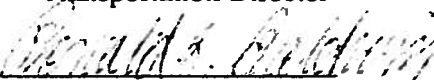
Attached is a copy of the man-day and fee proposal as revised by Department staff. The fee for the additional right-of-way acquisition has been revised from \$164,663 to \$114,136. Therefore the maximum fee for this supplement will be \$114,136. We feel the fee is just and fair compensation for the right-of-way acquisition and related work.

The City of Huntsville may proceed to enter into a supplemental agreement with Johnson and Associates, Inc., using the aforementioned revised fees. Please let me know if you have any questions.

Sincerely,

John R. Cooper
Transportation Director

By:


Ronald L. Baldwin, P.E.
Chief Engineer

JRC/RLB/sdh

Attachment

c: Consultant Management/File